# 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## The implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

### Working Paper presented by the State of Qatar on behalf of the States members of the League of Arab States

## I. Background

1. The State parties agreed, at the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), to extend the Treaty indefinitely in a package deal consisting of three decisions and the resolution on the Middle East. The Conference undertook to strengthen the Treaty, to achieve its universality, to adopt principles and objectives to address the implementation of the Treaty, and to establish a zone free of weapons of mass destruction in the Middle East.

2. During the period between the 1995 Review and Extension Conference and the 2000 Review Conference, and as a positive development owing to the Middle East resolution and the commitments declared by the 1995 Review and Extension Conference, the remaining members of the Arab League non-parties to the NPT acceded to the Treaty.

3. Israel remains the only State in the region that has not yet acceded to the Treaty and continues to refuse to place all its nuclear facilities under the full scope of International Atomic Energy Agency (IAEA) safeguards.

4. The 2000 Review Conference recognized that the 1995 resolution remains valid until its goals and objectives are achieved. It also recognized that the resolution is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.

5. The 2000 Review Conference welcomed, inter alia, the fact that all the Arab States acceded to the Treaty, and called upon Israel, the only State in the Middle

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East which has not done so, to join the Treaty and place all its nuclear facilities under the IAEA safeguards system.

6. The General Assembly, for the twenty-fifth consecutive year, adopted by consensus a resolution calling for the establishment of a nuclear-weapon-free zone in the region of the Middle East.

7. The General Assembly also continued to overwhelmingly support and adopt every year the resolution entitled "The risk of nuclear proliferation in the Middle East". The most recent of these resolutions is resolution 59/106, which expressed concern about the threats posed by the proliferation of nuclear weapons to the security and stability of the Middle East region, noting that Israel remains the only State in the Middle East that has not yet become party to the Treaty on the Non-Proliferation of Nuclear Weapons, and reaffirmed the importance of accession by Israel to the Treaty and placement of all its nuclear facilities and materials under comprehensive IAEA safeguards.

## II. Position and proposals of the States members of the League of Arab States

8. The member States of the League of Arab States believe that the Treaty on the Non-Proliferation of Nuclear Weapons remains the core of the non-proliferation and disarmament regime, and that in spite of the lack of real advancement on its resolution, decisions and outcomes adopted by previous review conferences, they still believe that the 2005 Review Conference is an opportunity to review the operation of the Treaty, to agree on how practically to move towards implementing long-standing obligations, and to strengthen efforts to achieve its universality.

9. Over the span of 30 years, the Arab States sought to transform the Middle East into a zone free of nuclear weapons and other weapons of mass destruction. A number of Arab initiatives were launched, and dozens of resolutions were proposed to different multilateral disarmament forums. It is unfortunate that, in spite of international support for these Arab initiatives, no real practical steps have been taken at the international level to advance the implementation of these resolutions and the establishment of a zone free of weapons of mass destruction in the Middle East.

10. It has always been the conviction of the Arab States that the only practical solution to the issues of proliferation of weapons of mass destruction in the Middle East is to adopt a regional approach to the problem through establishing a verifiable zone free of weapons of mass destruction, and not through the present State-by-State approach which, from a regional security perspective, is biased and selective.

11. The 1995 resolution on the Middle East sponsored by the three depository States and adopted by consensus, was part and parcel of the package deal of extending the Treaty on the Non-Proliferation of Nuclear Weapons indefinitely. The resolution was also the main reason why all the Arab States acceded to the Treaty before the 2000 Review Conference. Israel remains the only State in the region that has not acceded to the Treaty and continues to refuse to place all its nuclear facilities under the full scope of the IAEA safeguards.

12. These facts were acknowledged by the 2000 Review Conference that welcomed the accession to the Treaty by all the Arab States, and stressed the importance of accession by Israel, it being the only State in the region that has not done so.

13. The outcome of the 2000 Conference was built on the 1995 resolution on the Middle East. The point of departure for the 2005 Review Conference should be based on the cumulative result of the outcomes of those two conferences. Taking into consideration that the outcome of the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons represents an integrated package deal, it is important to note that if the 1995 resolution on the Middle East were compromised, all the outcomes of the 1995 Review and Extension Conference would be compromised.

14. Ten years have elapsed since the adoption of this resolution and five since the last Review Conference, without any serious attempt by the international community at implementing it. There is no mechanism for its implementation or follow-up.

15. The accession of all the Arab States in the region has not, unfortunately, provided them with the necessary security in the face of the threat of nuclear proliferation in the Middle East. Israel continues to defy the repeated calls by the international community to accede to the Treaty.

16. All the States parties to the Treaty, particularly the nuclear-weapon States, should shoulder their responsibilities by exerting their utmost efforts to achieve the full implementation of the resolution. The role of the three depository States is crucial to assist the Review Conference in elaborating practical steps to ensure the full implementation of the resolution and the realization of its objectives. They have to bring credibility to their actions taken at the 1995 Conference when they sponsored this important resolution.

17. Therefore it is imperative that the Conference, in addition to an unequivocal call demanding that Israel accede to the Treaty as a non-nuclear State without delay, should take the following steps:

(a) Establish a subsidiary body within Committee II to discuss the implementation of the Middle East resolution and prepare a follow-up mechanism;

(b) Establish a standing committee composed of members of the Bureau of the 2005 Review Conference to follow up intersessionally the implementation of the recommendations concerning the Middle East, in particular prompt accession by Israel to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, and report to the 2010 Review Conference and its Preparatory Committee meetings;

(c) Call upon the United Nations to convene an international conference to create a zone free of weapons of mass destruction in the Middle East;

(d) Obtain a clear commitment from all the nuclear-weapon States, in conformity with their obligations under article I of the Treaty, not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly to Israel, and not in any way to assist Israel, in a manner that would contribute to its ability to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices under any circumstances;

(e) In conformity with the seventh preambular paragraph and article IV of the Treaty, all States parties to the Treaty should declare their commitment not to transfer nuclear-related equipment, information, material and facilities, resources or devices, or assistance in the nuclear field to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards. This should include a commitment to deny access to nuclear-related facilities and laboratories to scientists and researchers from Israel;

(f) These commitments should be monitored through reports by the States parties to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Preparatory Committee meetings to be held in advance of that Conference. These reports should transparently report on the status of trade in or transfer of nuclear or nuclear-related material or technology between them and Israel as well as on the status of scientific cooperation or exchange in the nuclear field during the period preceding each session of the Preparatory Committee and Review Conference;

(g) The United Nations Secretariat is requested to prepare a compilation of those reports for consideration at the Preparatory Committee meetings and the 2010 Review Conference.